

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CANON FINANCIAL SERVICES, INC.,

Plaintiff,

v.

THE COLLEGE OF SAINT ROSE,

Defendant.

Case No. 1:24-CV-00965
(DNH/DJS)

ANSWER

JURY TRIAL DEMANDED

Defendant The College of Saint Rose (“Defendant”), by and through their attorneys, Cullen and Dykman, LLP, respectfully submits the following Answer to the Complaint (the “Complaint”) of Plaintiff Canon Financial Services (“Plaintiff”) in this matter:

ANSWERING “PARTIES”

1. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint.

2. Defendant admits the allegations in Paragraph 2 of the Complaint.

ANSWERING “JURISDICTION AND VENUE”

3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint.

4. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint.

ANSWERING “COUNT I”

5. Paragraph 5 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

6. Paragraph 6 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

7. Paragraph 7 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

8. Paragraph 8 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

9. Paragraph 9 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Complaint and refers the Court to the referenced document for all allegations concerning its contents.

ANSWERING "COUNT II"

13. In response to Paragraph 13 of the Complaint, Defendant repeats and realleges all of the foregoing responses in this Answer with the same force and effect as though set forth at length herein.

14. Paragraph 14 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Complaint.

15. Paragraph 15 of the Complaint sets forth a conclusion of law to which no responsive pleading is required. To the extent a response is deemed required, Defendant denies knowledge or

information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

16. The Complaint fails to state a cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

17. Plaintiff's claims are barred by estoppel, laches, unclean hands, and/or waiver.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

18. Some or all of the claims in the Complaint are barred by a defense founded upon documentary evidence.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred in whole or in part by the applicable statutes of limitations and/or the statute of frauds.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

20. Plaintiff's breach and/or anticipatory repudiation of the agreement referenced in the Complaint excused Defendant from further performance.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

21. Plaintiff failed to mitigate its damages.

RESERVATION OF ADDITIONAL AFFIRMATIVE DEFENSES

22. Defendant gives notice that they intend to rely on any affirmative defenses that are now or may become available in this action, through discovery or otherwise, and reserves their right to amend this Answer to assert any such defenses.

Dated: September 23, 2024
Albany, New York

CULLEN AND DYKMAN LLP

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